

David E. Bower (SBN 119546)  
FARUQI & FARUQI, LLP  
10866 Wilshire Boulevard, Suite 1470  
Los Angeles, CA 90024  
Tel: (424) 256-2884  
Fax: (424) 256-2885  
[dbower@faruqilaw.com](mailto:dbower@faruqilaw.com)

Joseph T Lukens  
Richard D. Schwartz  
FARUQI & FARUQI, LLP  
101 Greenwood Avenue Suite 600  
Jenkintown, PA 19046  
Tel: (215) 577-5770  
Fax: (215) 577-5771  
[jlukens@faruqilaw.com](mailto:jlukens@faruqilaw.com)  
[rschwartz@faruqilaw.com](mailto:rschwartz@faruqilaw.com)

Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

Brent Maness, individually and on behalf  
of others similarly situated,

Plaintiff,

v.

Expedia, Inc., et al.,

Defendants.

Civil Case 4:12-cv-05220-DMR

CLASS ACTION

**STIPULATION**

WHEREAS, Plaintiffs filed the Complaint in this litigation on October 9, 2012;  
WHEREAS, all of the Defendants have agreed to waive service of the Complaint;  
WHEREAS, a number of substantially similar complaints have been filed nationwide;  
WHEREAS, a Motion for Consolidation and Transfer under 28 U.S.C. § 1407 was filed  
before the Judicial Panel on Multi-District Litigation ("JPML") to coordinate and/or consolidate  
all of the actions in one court;

1 WHEREAS, the JPML has scheduled the MDL Motion for a hearing on November 29,  
2 2012, and the parties expect that the JPML will issue a decision on the motion within a few  
3 weeks after the hearing;<sup>1</sup>

4 WHEREAS, Plaintiffs and Defendants Expedia, Inc., Hotels.com LP, Travelocity.com  
5 LP, Sabre Holdings Corporation, Priceline.com Incorporated, Booking.com (USA), Inc.,  
6 Booking.com B.V., Orbitz Worldwide, Inc., Hilton Worldwide, Inc., Starwood Hotels & Resorts  
7 Worldwide, Inc., Marriott International, Inc., Trump International Hotels Management, LLC,  
8 Kimpton Hotel & Restaurant Group, LLC, and InterContinental Hotels Group Resources, Inc.  
9 (collectively “Defendants”) expect that all of the actions will be coordinated and/or consolidated  
10 before one court;

11 WHEREAS, Plaintiffs and Defendants wish to preserve the parties’ and the Court’s  
12 resources and efficiently manage the litigation so as not to cause prejudice;

13 NOW THEREFORE, the parties agree as follows:

14 1. Defendants will not be required to answer or otherwise plead in response to the  
15 Complaint during the pendency of the Motion for Consolidation and Transfer under 28 U.S.C. §  
16 1407. If this Court is the transferee court, Defendants’ time to answer or otherwise plead will be  
17 extended until 60 days after a consolidated amended complaint is filed, and Plaintiffs will file  
18 their opposition to a motion to dismiss, if filed, within 60 days thereafter. In the event that the  
19 Motion for Consolidation and Transfer under 28 U.S.C. § 1407 is denied, the parties will confer  
20 within seven (7) days of the JPML’s order regarding the due date for responsive pleadings in this  
21 action. No discovery shall be served in the above-captioned matter while this stipulation is in  
22 effect;

23  
24 2. In the event that Defendants voluntarily file or are ordered to file a responsive  
25 pleading in any other related action prior to the JPML’s decision, Defendants agree that this  
26 stipulation will become void and in that event, all of the parties agree to negotiate in good faith

27 <sup>1</sup> John G. Heyburn II, *A View from the Panel: Part of the Solution*, 82 Tul. L. Rev. 2225, 2242  
28 n.88 (2007-08) (then-Chair of the JPML: “[u]sually within two weeks of oral argument, the  
Chair has finalized and approved each written opinion pertaining to that session”).

1 regarding a responsive pleading date.

2  
3 3. If this Court is the transferee court, Defendants agree that they will engage in a  
4 conference pursuant to Fed. R. Civ. P. 26(f) with Plaintiffs within 14 days of appointment of lead  
5 counsel for the Plaintiffs. If the Motion for Consolidation and Transfer under 28 U.S.C. § 1407  
6 is denied, Defendants agree that they will engage in a conference pursuant to Fed. R. Civ. P.  
7 26(f) with Plaintiffs within 14 days of the denial of the motion.

8 DATED: October 31, 2012

9  
10 FOR PLAINTIFFS:

11 By: /s/ David E. Bower  
12 David E. Bower (SBN 119546)  
13 FARUQI & FARUQI, LLP  
14 10866 Wilshire Boulevard, Suite 1470  
15 Los Angeles, CA 90024  
16 Tel: (424) 256-2884  
17 Fax: (424) 256-2885  
18 [dbower@faruqilaw.com](mailto:dbower@faruqilaw.com)

19 Joseph T Lukens  
20 Richard D. Schwartz  
21 FARUQI & FARUQI, LLP  
22 101 Greenwood Avenue Suite 600  
23 Jenkintown, PA 19046  
24 Tel: (215) 577-5770  
25 Fax: (215) 577-5771  
26 [jlukens@faruqilaw.com](mailto:jlukens@faruqilaw.com)  
27 [rschwartz@faruqilaw.com](mailto:rschwartz@faruqilaw.com)

28 Attorneys for Plaintiffs

FOR DEFENDANTS:

By: /s/ Emily Johnson Henn  
Emily Johnson Henn (SBN 269482)  
COVINGTON & BURLING LLP  
333 Twin Dolphin Dr., Suite 700  
Redwood Shores, CA 94065  
Telephone: (650) 632-4700  
Facsimile: (650) 632-4800  
[ehenn@cov.com](mailto:ehenn@cov.com)

Attorneys for Defendants  
Expedia, Inc. and Hotels.com LP

By: /s/ George S. Cary  
George S. Cary (SBN 73858)  
Steven J. Kaiser  
CLEARY GOTTLIEB STEEN &  
HAMILTON LLP  
2000 Pennsylvania Avenue, NW  
Washington, D.C. 20006  
New York, NY 10017  
Telephone: (212) 974-1554  
Facsimile: (212) 974-1999  
[gcary@cgsh.com](mailto:gcary@cgsh.com)  
[skaiser@cgsh.com](mailto:skaiser@cgsh.com)

Attorneys for Defendants  
Travelocity.com LP and Sabre Holdings  
Corporation

1 By: /s/ Kevin J. Arquit  
2 Kevin J. Arquit  
3 SIMPSON THACHER & BARTLETT  
4 LLP  
5 425 Lexington Avenue  
6 New York, NY 10017  
7 Telephone: (212) 455-2000  
8 Facsimile: (212) 455-2502  
9 [karquit@stblaw.com](mailto:karquit@stblaw.com)  
10  
11 Attorneys for Defendants  
12 Priceline.com Incorporated,  
13 Booking.com (USA), Inc., and  
14 Booking.com B.V.

9 By: /s/ Christopher S. Yates  
10 Christopher S. Yates (SBN 161273)  
11 Daniel M. Wall  
12 Brendan A. McShane  
13 Jason L. Daniels  
14 LATHAM & WATKINS LLP  
15 505 Montgomery Street, Suite 2000  
16 San Francisco, CA 94111  
17 Telephone: (415) 391-0600  
18 Facsimile: (415) 395-8095  
19 [chris.yates@lw.com](mailto:chris.yates@lw.com)  
20 [dan.wall@lw.com](mailto:dan.wall@lw.com)  
21 [brendan.mcshane@lw.com](mailto:brendan.mcshane@lw.com)  
22 [jason.daniels@lw.com](mailto:jason.daniels@lw.com)

16 Attorneys for Defendant  
17 Orbitz Worldwide, Inc.

18 By: /s/ Steven A. Newborn  
19 Steven A. Newborn  
20 Carrie M. Anderson  
21 Daniel E. Antalics (SBN 276488)  
22 WEIL, GOTSHAL & MANGES LLP  
23 1300 Eye Street, N.W., Suite 900  
24 Washington, D.C. 20005  
25 Telephone: (202) 682-7000  
26 Facsimile: (202) 857-0940  
27 [steven.newborn@weil.com](mailto:steven.newborn@weil.com)

23 Of Counsel:  
24 James C. Egan, Jr.

25 Attorneys for Defendant  
26 Hilton Worldwide, Inc.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

By: /s/ Christopher J. Kelly  
Christopher J. Kelly (SBN 276312)  
MAYER BROWN LLP  
Two Palo Alto Square, Suite 300  
3000 El Camino Real  
Palo Alto, CA 94306-2112  
Telephone: (650) 331-2000  
Facsimile: (650) 331-2061  
[cjkelly@mayerbrown.com](mailto:cjkelly@mayerbrown.com)

Robert E. Bloch  
Richard Ben-Veniste  
MAYER BROWN LLP  
1999 K Street, N.W.  
Washington, D.C. 20006  
Telephone: (202) 263-3203  
Facsimile: (202) 263-5203  
[rbloch@mayerbrown.com](mailto:rbloch@mayerbrown.com)  
[rben-veniste@mayerbrown.com](mailto:rben-veniste@mayerbrown.com)

Attorneys for Defendant  
Starwood Hotels & Resorts Worldwide,  
Inc.

By: /s/ Jeffrey Kilduff  
Jeffrey Kilduff  
Ian Simmons  
Katrina M. Robson (SBN 229835)  
O'MELVENY & MYERS LLP  
1625 Eye Street, NW  
Washington, D.C. 20006  
Telephone: (202) 383-5300  
Facsimile: (202) 383-5414  
[jkilduff@omm.com](mailto:jkilduff@omm.com)  
[isimmons@omm.com](mailto:isimmons@omm.com)  
[krobson@omm.com](mailto:krobson@omm.com)

Attorneys for Defendant  
Marriott International, Inc.

By: /s/ Francis J. Burke, Jr.  
Francis J. Burke, Jr. (SBN 75970)  
SEYFARTH SHAW LLP  
One Century Plaza  
2029 Century Park East, Suite 3500  
Los Angeles, CA 90067-3021  
Telephone: (310) 201-5214  
Facsimile: (310) 282-6993  
[fburke@seyfarth.com](mailto:fburke@seyfarth.com)

Attorney for Defendant  
Trump International Hotels  
Management, LLC

By: /s/ Marie L. Fiala  
Marie L. Fiala (SBN 79676)  
Ryan M. Sandrock (SBN 251781)  
SIDLEY AUSTIN LLP  
555 California Street  
San Francisco, CA 94104  
Telephone: (415) 772-1200  
Facsimile: (415) 772-7400  
[mfiala@sidley.com](mailto:mfiala@sidley.com)  
[rsandrock@sidley.com](mailto:rsandrock@sidley.com)

Attorneys for Defendant  
Kimpton Hotel & Restaurant Group, LLC

By: /s/ Timothy T. Scott  
Timothy T. Scott (SBN 126971)  
Leo Spooner III (SBN 241541)  
KING & SPALDING LLP  
333 Twin Dolphin Drive, Suite 400  
Redwood Shores, CA 94065  
Telephone: (650) 590-0700  
Facsimile: (650) 590-1900  
[tscott@kslaw.com](mailto:tscott@kslaw.com)  
[lspooner@kslaw.com](mailto:lspooner@kslaw.com)

Jeffrey S. Cashdan  
Christine A. Hopkinson  
Sarah E. Statz  
KING & SPALDING LLP  
1180 Peachtree Street, N.E.  
Atlanta, GA 30309  
Telephone: (404) 572-4600  
Facsimile: (404) 572-5100  
[jcashdan@kslaw.com](mailto:jcashdan@kslaw.com)  
[chopkinson@kslaw.com](mailto:chopkinson@kslaw.com)  
[sstatz@kslaw.com](mailto:sstatz@kslaw.com)

Attorneys for Defendant  
InterContinental Hotels Group Resources,  
Inc.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: Nov. 6, 2012



THE HONORABLE DONNA M. RYU  
United States Magistrate Judge

**CERTIFICATE OF SERVICE**

I hereby certify that on November 1, 2012, I electronically filed the foregoing document using the CM/ECF system which will send notification of such filing to the e-mail addresses registered in the CM/ECF system, as denoted on the Electronic Mail Notice List, and I hereby certify that I have caused to be mailed a paper copy of the foregoing document via the United States Postal Service to the non-CM/ECF participants indicated on the Manual Notice List generated by the CM/ECF system. I also emailed this document to all parties who's emails are indicated on this Stipulation, above.

/s/ David E Bower

David E. Bower

## **Mailing Information for a Case 4:12-cv-05220-DMR**

### **Electronic Mail Notice List**

The following are those who are currently on the list to receive e-mail notices for this case.

- **David Eldridge Bower**  
dbower@faruqilaw.com,ecf@faruqilaw.com,mblackman@faruqilaw.com,ecfca@faruqilaw.com

### **Manual Notice List**

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

- (No manual recipients)